

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

*Filed in  
open Ct.  
6-6-05  
M. Johnson  
Rep. Clerk*

DINO N. THEODORE,

Plaintiff

v.

DEMOULAS SUPER MARKETS, INC.,

Defendant

CIVIL ACTION NO.: 05-10314RGS

**JOINT SCHEDULING STATEMENT PURSUANT TO RULE 16.1 (D)**

Now comes the parties in the above-referenced action and hereby submit the following Joint Statement pursuant to Local Rule 16.1(D):

1. NATURE OF ACTION

The plaintiff served the Amended Complaint and Jury Demand on the defendant on March 8, 2005. The plaintiff, Dino M. Theodore, seeks injunctive relief, compensatory and exemplary damages. He alleges that the defendant unlawfully discriminated against him in the defendant's place of public accommodation in violation of (1) the Americans with Disabilities Act, 42 U.S.C. § 12181, *et seq.* ("ADA") and (2) Massachusetts General Laws c. 272, § 98 and (3) Massachusetts General Laws c. 93, § 103 and Article 114 of the Constitution of the Commonwealth of Massachusetts. Additionally, Dino M. Theodore claims negligent infliction of emotional distress. The defendant denies the plaintiff's allegations.

2. PROPOSED DISCOVERY PLAN

The parties propose the following discovery plan:

- a. Written Discovery will be served by September 8, 2005;

- b. Rule 34 Inspection completed by August 12, 2005;
- c. Depositions of Fact Witness will be completed by October 7, 2005;
- d. Plaintiff's Expert Witnesses will be identified by July 6, 2005;
- e. Plaintiff's Expert Reports will be provided by September 16, 2005;
- f. Defendant's Expert Witnesses will be identified by November 4, 2005 and Expert Reports will be provided by the same date;
- g. Depositions of Expert Witnesses, if any, will be completed by December 16, 2005.

3. MOTION SCHEDULE

All dispositive motions will be served no later than January 27, 2006, but may be filed any time previous thereto. The plaintiff's position is that discovery motions, to the extent that they are necessary, should be filed prior to the proposed close of discovery on December 16, 2005. The defendant disagrees. Trial motions must be served no fewer than seven (7) days prior to trial, except for good cause.

4. TRIAL BY MAGISTRATE JUDGE

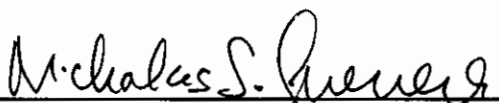
The parties do not consent to a trial before a magistrate judge.

Respectfully submitted,

PLAINTIFF,

DINO N. THEODORE,

By his Attorney,



Nicholas S. Guerrero, BBO#551475  
Shaheen Guerrero & O'Leary, LLC  
Jefferson Office Park  
820A Turnpike Street  
North Andover, MA 01845  
(978) 689-0800

Dated: 6/6/05

DEFENDANT,

DEMOULAS SUPERMARKETS, INC.,

By its attorney,

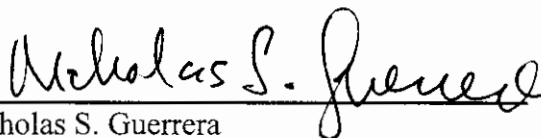


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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of this pleading on the defendant, through its counsel, in hand on this date pursuant to Fed. R. Civ. P. 5.

Dated: 6/6/05

  
Nicholas S. Guerrero